

“(I) sending, receiving, maintaining, or exchanging with any Federal, State, or local government entity information regarding the citizenship or immigration status (lawful or unlawful) of an individual who is convicted of violating laws that prohibit the operation of motor vehicles by intoxicated persons; or

“(II) complying with a request lawfully made by the Department of Homeland Security under section 236 or 287 of the Immigration and Nationality Act (8 U.S.C. 1226 and 1357) to comply with a detainer for, or notify about the release of, an individual who is convicted of violating laws that prohibit the operation of motor vehicles by intoxicated persons.

“(ii) EXCEPTION.—A State or political subdivision of a State shall not be deemed a sanctuary jurisdiction based solely on the State or political subdivision having a policy under which officials of the State or political subdivision will not share information regarding, or comply with a request made by the Department of Homeland Security under section 236 or 287 of the Immigration and Nationality Act (8 U.S.C. 1226 and 1357) to comply with a detainer regarding, an individual who comes forward as a victim or a witness to a criminal offense.”.

SA 2353. Mr. HAGERTY submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. ENSURING DISCLOSURE OF ADVOCACY BY FEDERAL OFFICERS AND EMPLOYEES FOR RESTRICTING ACCESS TO MATERIAL POSTED BY INFORMATION CONTENT PROVIDERS.

(a) RESTRICTION.—None of the amounts made available under this Act or an amendment made by this Act may be expended by an agency, office, or other establishment within the executive or legislative branch of the Federal Government if an officer or employee of the agency, office, or other establishment violates subparagraph (A), (B), or (C) of subsection (b)(2).

(b) REQUIRED DISCLOSURES.—

(1) DEFINITIONS.—In this subsection:

(A) INFORMATION CONTENT PROVIDER; INTERACTIVE COMPUTER SERVICE.—The terms “information content provider” and “interactive computer service” have the meanings given the terms in section 230 of the Communications Act of 1934 (47 U.S.C. 230).

(B) LEGITIMATE LAW ENFORCEMENT PURPOSE.—The term “legitimate law enforcement purpose” means for the purpose of investigating a criminal offense by a law enforcement agency that is within the lawful authority of that agency.

(C) NATIONAL SECURITY PURPOSE.—The term “national security purpose” means a purpose that relates to—

- (i) intelligence activities;
- (ii) cryptologic activities related to national security;
- (iii) command and control of military forces;
- (iv) equipment that is an integral part of a weapon or weapons system; or
- (v) the direct fulfillment of military or intelligence missions.

(2) DISCLOSURES.—

(A) IN GENERAL.—Except as provided in subparagraph (C), any officer or employee in the executive or legislative branch shall disclose and, in the case of a written communication, make available for public inspection, on a public website in accordance with subparagraph (D), any communication by that officer or employee with a provider of an interactive computer service regarding action or potential action by the provider to restrict access to or the availability of, bar or limit access to, or decrease the dissemination or visibility to users of, material posted by another information content provider, whether the action is or would be carried out manually or through use of an algorithm or other automated or semi-automated process.

(B) TIMING.—The disclosure required under subparagraph (A) shall be made not later than 7 days after the date on which the communication is made.

(C) LEGITIMATE LAW ENFORCEMENT AND NATIONAL SECURITY PURPOSES.—

(i) IN GENERAL.—Any communication for a legitimate law enforcement purpose or national security purpose shall be disclosed and, in the case of a written communication, made available for inspection, to each House of Congress.

(ii) TIMING.—The disclosure required under clause (i) shall be made not later than 60 days after the date on which the communication is made.

(iii) RECEIPT.—Upon receipt, each House shall provide copies to the chairman and ranking member of each standing committee with jurisdiction under the rules of the Senate or the House of Representatives regarding the subject matter to which the communication pertains. Such information shall be deemed the property of such committee and may not be disclosed except—

(I) in accordance with the rules of the committee;

(II) in accordance with the rules of the Senate and the House of Representatives; and

(III) as permitted by law.

(D) WEBSITE.—

(i) LEGISLATIVE BRANCH.—The Sergeant at Arms of the Senate and the Sergeant at Arms of the House of Representatives shall designate a single location on an internet website where the disclosures and communications of employees and officers in the legislative branch shall be published in accordance with subparagraph (A).

(ii) EXECUTIVE BRANCH.—The Director of the Office of Management and Budget shall designate a single location on an internet website where the disclosures and communications of employees and officers in the executive branch shall be published in accordance with subparagraph (A).

(E) NOTICE.—The Sergeant at Arms of the Senate, the Sergeant at Arms of the House of Representatives, and the Director of the Office of Management and Budget shall take reasonable steps to ensure that each officer and employee of the legislative branch and executive branch, as applicable, is informed of the duties imposed by this paragraph.

(F) CONFLICTS OF INTEREST.—Any person who is a former officer or employee of the executive branch of the United States (including any independent agency) or any person who is a former officer or employee of the legislative branch or a former Member of Congress, who personally and substantially participated in any communication under subparagraph (A) while serving as an officer, employee, or Member of Congress, shall not, within 2 years after any such communication under subparagraph (A) or 1 year after termination of his or her service as an officer, employee, or Member of Congress, whichever is later, knowingly make, with the intent to

influence, any communication to or appearance before any officer or employee of any department, agency, court, or court-martial of the United States, on behalf of any person with which the former officer or employee personally and substantially participated in such communication under subparagraph (A).

(G) PENALTIES.—Any person who violates subparagraph (A), (B), (C), or (F) shall be punished as provided in section 216 of title 18, United States Code.

SA 2354. Mr. VAN HOLLEN (for himself, Mr. ROUNDS, Ms. ERNST, and Mr. KELLY) proposed an amendment to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; as follows:

At the end of title II of division A, add the following:

SEC. 12 _____. FEDERAL REQUIREMENTS FOR TIFIA ELIGIBILITY AND PROJECT SELECTION.

(a) IN GENERAL.—Section 602(c) of title 23, United States Code, is amended by adding at the end the following:

“(3) PAYMENT AND PERFORMANCE SECURITY.—

“(A) IN GENERAL.—The Secretary shall ensure that the design and construction of a project carried out with assistance under the TIFIA program shall have appropriate payment and performance security, regardless of whether the obligor is a State, local government, agency or instrumentality of a State or local government, public authority, or private party.

“(B) WRITTEN DETERMINATION.—If payment and performance security is required to be furnished by applicable State or local statute or regulation, the Secretary may accept such payment and performance security requirements applicable to the obligor if the Federal interest with respect to Federal funds and other project risk related to design and construction is adequately protected.

“(C) NO DETERMINATION OR APPLICABLE REQUIREMENTS.—If there are no payment and performance security requirements applicable to the obligor, the security under section 3131(b) of title 40 or an equivalent State or local requirement, as determined by the Secretary, shall be required.”.

(b) APPLICABILITY.—The amendments made by this section shall apply with respect to any agreement for credit assistance entered into on or after the date of enactment of this Act.

SA 2355. Ms. ERNST submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. PROHIBITION ON USE OF FUNDS.

Notwithstanding any other provision of this Act, none of the funds appropriate or